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"In the case of *Spies v. People*, 122 Ill. 1, 12 N. E. 865, 17 N. E. 898, 3 Am. St. Rep. 320, the rule is laid down as follows:

"In the celebrated trial known as the Anarchist Case, it was held that an unanswered letter found in the possession of a defendant may be received in evidence as in the nature of an admission, if, from its terms, it may be gathered that he invited it, or if evidence is adduced that he acted on it."

"The letter in question here comes within the recognized exception to the general rule, for it is written on the usual letter head of the I. W. W. and is an answer to a letter written by the appellant. It reads in part as follows:

"Received yours of the 18th. I am glad you got safely back among the stumps once more, and I am sure a few weeks' work there will do you a great deal of good. Have not heard from any of the fellow workers in Seattle since you left here, and if I do get any news will keep you posted. * * * With best wishes, and hoping to hear from you again soon, I remain, yours for One Big Union.
* * *"

Marriage—Use of Fictitious Name by Husband as Ground for Annulment.—In *Chipman v. Johnston*, 130 N. E. 65, the Supreme Judicial Court of Massachusetts held that where a man, who falsely represented that he was from Alaska, married petitioner under an assumed name, and they cohabited for only a brief time, when he deserted her, the marriage will not be annulled; it appearing that, though petitioner was grievously deceived, the man she married was the human being she intended to marry.

The court said in part: "It is not every error or mistake into which an innocent party to a marriage may fall, even though induced by disingenuous or false statements, silences, or practices, which affords ground for its annulment. Manifestly wicked deception was perpetrated upon the petitioner. That alone is not enough to vitiate a marriage duly solemnized and fully consummated. Fraud, in order that it be ground for annulment, must go to the essentials of the marriage relation. The law in this particular was succinctly stated by Chief Justice Bigelow in the leading case of *Reynolds v. Reynolds*, 3 Allen 605, at page 607, in these words: 'In the absence of force or duress, and where there is no mistake as to the identity of the person, any error or misapprehension as to personal traits or attributes, or concerning the position or circumstances in life of a party, is deemed wholly immaterial, and furnishes no good cause for divorce. * * * These are accidental qualities which do not constitute the essential and material elements on which the marriage relation rests.'

"The petitioner was not mistaken in the identity of the respondent.

He was the human being whom she intended to marry. He did not impersonate another. Even though she was deluded as to his name and place of residence, that did not affect his personality. His representations as to relatives in another part of the country merely affected, at most, his social standing. It does not appear that they were known to the petitioner. Doubtless the false representations of the respondent would have justified the petitioner in breaking an agreement to marry, and in refusing to execute the contract, if she had ascertained the facts in time. *Van Houten v. Morse*, 162 Mass. 414, 26 L. R. A. 430, 44 Am. St. Rep. 373, 38 N. E. 705. After the ceremony of marriage and the subsequent cohabitation, brief though it was, a change of status took place, affecting both the parties and the community. A relation thereby sprang into existence, which, for important reasons, the law recognizes and takes under its protection. It is a relation which cannot be lightly disregarded. It might affect the legitimacy of the posterity of the parties.' In this particular the case is quite distinguishable in its facts from *Smith v. Smith*, 171 Mass. 404, 50 N. E. 933, 41 L. R. A. 800, 68 Am. St. Rep. 440, and *Anders v. Anders*, 224 Mass. 438, 113 N. E. 203, L. R. A. 1916E, 1273. In the main it resembles, so far as concerns the governing principle, *Foss v. Foss*, 12 Allen, 26; *Crehore v. Crehore*, 97 Mass. 330, 93 Am. Dec. 98; *Vondal v. Vondal*, 175 Mass. 383, 56 N. E. 586, 78 Am. St. Rep. 502, and *Commonwealth v. Shaman*, 223 Mass. 62, 111 N. E. 720. See *Napier v. Napier*, 1915 P. 184.

"The validity of the marriage has been upheld where one of the parties has assumed a false name in *Myer v. Myer*, 7 Ohio Dec. 627; *King v. Inhabitants of Burton upon Trent*, 3 M. & S. 537, and *King v. Inhabitants of Billinghamurst*, 3 M. & S. 250. Decisions to the contrary collected in the notes to the later case at page 259 et seq., appear to rest upon the terms of the marriage act of England.

"The rule is stated in *Trask v. Trask*, 114 Me. 60, 95 Atl. 352, to be that—'No fraud will avoid a marriage which does not go to the very essence of the contract, and which is not in its nature such a thing as either would prevent the party entering into the marriage relation, or, having entered it, would preclude the performance of the duties which the law and custom impose upon husband or wife as a party to the contract.'

"The strict rule has been somewhat relaxed in other jurisdictions either by statute or by judicial decision. See, for example, *Davis v. Davis*, 90 N. J. Eq. 158, 106 Atl. 644; *Parsons v. Parsons*, 68 Vt. 95, 34 Atl. 33; *Gatto v. Gatto*, 79 N. H. 177, 106 Atl. 493. It is unnecessary to examine those decisions because we are of opinion that under principles heretofore declared by this court the petitioner can be given no relief in this proceeding. See in this connection *Day v. Day*, 236 Mass. 362, 128 N. E. 411."